United Nations A/C.6/52/SR.9

General Assembly
Fifty-second session

Official Records

Distr.: General
10 February 1998
English
Original: Spanish

Sixth Committee

Summary record of the 9th meeting
Held at Headquarters, New York, on Wednesday, 15 October 1997, at 10 a.m.

Chairman: Mr. Tomka ..... (Slovakia)

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The meeting was called to order at 10.10 a.m.

Agenda item 146: United Nations Decade of International Law *(continued)*

(a) United Nations Decade of International Law *(continued)* (A/52/363)

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law *(continued)* (A/C.6/52/L.2 and A/C.6/52/3)

(c) Draft guiding principles for international negotiations *(continued)* (A/52/141)

1. **Mr. Ramaker** (Netherlands) said that he wished to introduce, on behalf of the Russian Federation and his own delegation, draft resolution A/C.6/52/L.2 on action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law, and the programme of action (A/C.6/52/6) for the celebration of the centennial.

2. The First International Peace Conference had resulted in the well-known 1899 Hague conventions and declarations on the three Hague themes: the armament question, humanitarian law and the laws and customs of war, and the peaceful settlement of international disputes. It had been the first example of multilateral diplomacy and had greatly influenced the organization of subsequent international intergovernmental conferences. It had also been the first multilateral diplomatic effort to develop and codify certain rules of general international law. The work on codification and progressive development of international law had been resumed only under the auspices of the United Nations. Unlike preceding conferences, the Conference had not been intended to rearrange the post-war balance of power. Instead, it had institutionalized the peaceful settlement of disputes through the establishment of a Permanent Court of Arbitration and, in case of armed conflict, had imposed certain limits and duties on the parties at war, down to the level of the individual, in the first genuine attempt by the international community to "save succeeding generations from the scourge of war".

3. The programme of action for the centennial had been drawn up at a meeting which, in accordance with General Assembly resolution 51/159, paragraph 2, had been held on 22 April 1997 at the Peace Palace in The Hague by the "Friends of 1999". In the first phase of the programme of action, six highly regarded experts would draw up reports on each of the themes of the 1899 Hague Peace Conference. Those rapporteurs had already started their work. In the second phase, the reports would be discussed in conferences and seminars to be held in all the regions of the world in the relevant circles (professional, academic or diplomatic, governmental or non-governmental). Parallel to those regional discussions, which would begin in the second trimester of 1998, and in order to transmit the results from one round of discussions to another, an Internet web-site would be set up, which would also facilitate the participation of those who had not been able to take part in the discussions in person. Those real-time or on-line discussions would culminate in a third phase, in which expert meetings would be held in The Hague and St. Petersburg and would be the actual commemorative events.

4. The meetings at The Hague and St. Petersburg would be hosted by his Government and the Government of the Russian Federation, respectively, in spring and summer 1999. The meeting in The Hague would focus on the legislative and normative aspects of the discussions, whereas the St. Petersburg meeting would address implementation issues in respect of Hague themes. In that phase of the centennial events, the co-hosts and the "Friends of 1999" would highlight the achievements and lacunae of international law which had originated in the conferences at The Hague and developed over the course of the century. The results of the centennial discussions could provide guidance for the fifty-fourth session of the General Assembly at the closing of the United Nations Decade of International Law. That would be the fourth phase of the centennial agenda. Those results could also be transmitted to other relevant forums such as the twenty-seventh International Red Cross and Red Crescent Conference to be held at the end of 1999.

5. The methods chosen by the co-hosts and the "Friends of 1999" were a reflection of those mentioned in the programme for the activities for the final term of the Decade, annexed to General Assembly resolution 51/157. However, a new and even more open-ended format of international conferencing would be introduced, with multiple rapporteurs, regional discussions, participation of all levels of society and use of the Internet. In addition, the Programme of Action fully took into account the role of the General Assembly in encouraging the progressive development of international law and its codification, as laid down in Article 13 of the Charter of the United Nations, and specifically excluded any interference with ongoing efforts and negotiations in all existing international forums. The aim was to celebrate the results of the first century of multilateral diplomacy, not to repeat or interfere with them. The costs

of the centennial activities would be borne by the organizers, not by the United Nations.

6. The operative part of the draft resolution called for coordination by all national and international actors in the closing phase of the Decade, which was a crucial element in the proposed worldwide discussions. All levels of society in the Member States were invited to contribute to the discussions, attend the centennial events and participate in organizing the proposed regional discussions. With regard to international organizations, the United Nations itself was called upon to cooperate and participate in the centennial events in the context of the Decade, specifically through its main legal bodies: the International Court of Justice, the International Law Commission and the Office of Legal Affairs of the Secretariat. The members of those bodies could greatly enhance the level of centennial discussions by contributing their wisdom and experience, and the same was true of the members of the Permanent Court of Arbitration, officials of other international organizations and, of course, members of the Committee.

7. The draft resolution also stressed the importance of ensuring the participation of delegations of all countries, including the least developed countries. It should not be forgotten that one of the primary aims of the Decade was the universal promotion of and participation in multilateral diplomacy, especially in the field of the development and codification of international law. The participation of representatives of all States in the regional as well as the actual celebrations must be ensured. Member States should assist the organizers of regional conferences in that respect. It was hoped that the celebrations would not only serve to commemorate the past, but would also result in useful suggestions for achieving the goals of the Decade in the next millennium.

8. **Mr. Panevkin** (Russian Federation), referring to the activities carried out in his country to commemorate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law, said that the President of the Russian Federation, by a decree of 6 August 1997, had entrusted the preparation and organization of the St. Petersburg international conference, scheduled for the end of 1999, to the National Committee of the Russian Federation responsible for Decade activities.

9. The Government, the President's Office and the local government of St. Petersburg had been asked to cooperate with the National Committee, which in the past three years had organized various national and international Decade-related events, including a Russian-North American seminar on the role of the United Nations in the development of international maritime law, an international seminar on the application of the rules of international law in the territory of the Russian Federation (1994), various events dedicated to the 150th anniversary of the birth of the great Russian scholar and diplomat Fiodor Martens, a commemorative conference on 50 years of the United Nations and international law (1995), and a conference and workshop relating to the application of the rules of international law by Russian courts and security forces (1996). In September 1997, with the assistance of the National Committee, an International Law Association meeting had been organized in the Russian Federation for the first time and had been attended by more than 400 researchers, diplomats and working lawyers from individual States. The publication of the key statements and of a summary of the proceedings was planned. Currently, the National Committee was preparing a conference on international maritime law, which would be held at the end of June 1998.

10. The adoption of the draft resolution would boost the efforts of the international community to strengthen international peace and security, ensure respect for international law and promote its acceptance, dissemination and study.

11. **Mr. Ngo Quang Xuan** (Viet Nam), speaking on behalf of the Association of South-East Asian Nations (ASEAN), said that ASEAN supported and respected the generally accepted principles of international law and had always contributed to efforts for the promotion and observance of international law. In that regard, it concurred fully with the Secretary-General about the need to consider the treaties which had not yet received the requisite number of ratifications for their entry into force. The universality and binding force of international law would be further enhanced if more States were to uphold the provisions of those treaties. ASEAN considered that disputes should be settled amicably through cooperation and dialogue. That principle was enshrined in the ASEAN Treaty of Amity and Cooperation, 1976. Furthermore, ASEAN had established a regional forum to promote negotiation and cooperation in resolving issues of particular interest to its members.

12. In view of the importance of international law, ASEAN supported, as one of the goals of the Decade, the codification of legal rules, regulations and principles in the search for viable solutions to the challenges facing an interdependent world. The members of ASEAN had participated and would continue to participate in the codification of international law and in seeking initiatives to strengthen the United Nations system for the maintenance of international peace and security.

13. ASEAN welcomed the arrangements made by the Secretary-General, pursuant to paragraph 18 of General Assembly resolution 51/160, to commemorate the fiftieth anniversary of the establishment of the International Law Commission through a colloquium on the progressive development and codification of international law, which could generate concrete and practical suggestions on ways of enhancing the effectiveness and relevance of international law. In that respect, it was grateful for the contributions made by States and institutions to the trust funds set up to defray the costs incurred by the colloquium.

14. As the end of the Decade drew near, it was timely and appropriate to include in the provisional agenda of the fifty-third session of the General Assembly, under the item "United Nations Decade of International Law", a sub-item entitled "Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law", as was stipulated in paragraph 5 of the draft resolution submitted by the Netherlands and the Russian Federation. ASEAN fully supported the commemoration of the historic event, which would undeniably lead to the strengthening of the universal rule of law based on justice, equity and mutual benefit.

15. With regard to the work of promoting the teaching, study and dissemination of international law, ASEAN noted with satisfaction that the Office of Legal Affairs not only had promoted the dissemination of international law but also had made available worldwide, through various means, the United Nations Treaty Collection.

16. ASEAN, noting the proposal to impose an access fee on certain Internet users of the United Nations Treaty Collection in order to defray and recoup the high costs involved, suggested that any fee imposed should be reasonable, that special consideration should be given to users from developing countries and that the permanent missions of Member States should continue to be given on-line access at no charge.

17. ASEAN believed that the Decade had achieved the objectives of promoting the progressive development of international law, international cooperation and peace and security, and was in favour of continuing the programmes beyond the year 2000.

18. **Ms. Foo** (Singapore) said that, in view of the increasing importance of international law, Singapore appreciated the work that had been done during the period of the United Nations Decade of International Law which had already been completed. Activities of that type should continue to be supported beyond the end of the Decade. Singapore had tried to contribute to the process of making international law more accessible to a larger constituency. To that end, the Faculty of Law of the National University of Singapore had launched a journal of international law and the Singapore Society of International Law had made concerted efforts to propagate interest in that field.

19. In the current electronic society, the Internet was one of the best ways of promoting greater accessibility to international law, provided that the proposed user fees for the United Nations Treaty Collection were charged on an equitable basis so as not to discourage users.

20. The draft guiding principles for international negotiations (A/52/141), which had been proposed by Mongolia, merited serious consideration by the Sixth Committee and were of particular interest to small States. Those principles must be balanced, clear and certain. While good faith could not be legislated, the existence of clear rules might force the parties to act responsibly. The element of surprise could and should be minimized and cooperation could and should be facilitated. The principles would clearly need to be broad enough to encompass a wide variety of circumstances and it would not be easy to balance that need against the need for clarity and certainty. Singapore believed, however, that the guiding principles which would allow for the application of international law without the exercise of political influence and afford States, large and small alike, a level playing field, should include those principles that prohibited discrimination, coercion and reneging on previous agreements as well as those that encouraged the open and candid exchange of information and discouraged misinformation and the introduction of irrelevant considerations.

21. **Mrs. Mekhemar** (Egypt) said that, in its resolution 44/23 of 17 November 1989, the General Assembly had proclaimed the United Nations Decade of International Law for the purpose of encouraging the progressive development of international law. As the Decade drew to a close, that objective might be said to have been achieved, as evidenced by the surge in rule-making activity which it had produced.

22. The end of the Decade also coincided with the fiftieth anniversary of the establishment of the International Law Commission and Egypt wished to express its support for the colloquium to commemorate the anniversary, as called for in General Assembly resolution 51/160, in which numerous high-level experts from all regions of the world were due to participate.

23. Her delegation attached great importance to the Secretariat's efforts to establish a database for the United Nations Treaty Collection, to disseminate it through the

Internet (A/52/363, chap. V) and to adapt its own working methods to the new technology. While Egypt recognized the need to charge user fees in order to recover some of the cost of the database, it wished to make it clear that the electronic database and access to it through the Internet could not replace printed material and that the new system should not be implemented to the detriment of the less developed States, which were in a situation of numerical disadvantage in comparison with the developed States both in terms of the number of computers and the number of people trained in their use. In addition, since less bibliographical material was available in those States, the charging of user fees could constitute an obstacle to States with limited resources. The financial implications of the charging of such fees should therefore be considered by the Fifth Committee.

24. Despite the high cost involved, translation of the list of titles of treaties and their dissemination through the Internet (A/52/363, chap. VI) were also very important and necessary in order to ensure respect for the principle of equal and non-discriminatory treatment for all the official languages of the Organization.

25. The draft guiding principles for international negotiations, which had been presented by Mongolia, deserved careful consideration by the Working Group on the Decade, since they would establish a precedent for the codification of that type of rule.

26. Egypt was one of the sponsors of resolution 51/159 of 16 December 1996, on action to commemorate the centennial of the first International Peace Conference. The proposal submitted by the Russian Federation and the Netherlands was very important and Egypt looked forward to participating in the debates of the Working Group on the Decade.

27. **Ms. Wong** (New Zealand) said that new and interesting ideas had been proposed under the item on the United Nations Decade of International Law and she thanked the delegations of the Russian Federation and the Netherlands for offering to sponsor the activities to commemorate the first International Peace Conference, in which non-governmental organizations would actively participate.

28. Access to the United Nations Treaty Collection through the Internet was extremely important and reflected a trend towards the democratization of the law-making process in the United Nations. Since such a system could help to overcome the problem of the scarcity of libraries and printed material in the developing countries, very careful attention should be paid to the question of user fees.

29. New Zealand welcomed the useful draft guiding principles for international negotiations, which had been presented by Mongolia and which addressed the need for the creation of a level playing field for all States, large and small alike. The lack of enthusiasm shown by the bigger States was not surprising and she shared the view expressed by the delegation of Singapore that small States should carefully review the draft in the Working Group on the Decade. Several suggestions had been made on the best way of studying the draft principles. She did not think, however, that it would be appropriate to refer them to other bodies, where they would probably languish for years. It should not be a burdensome task for the Sixth Committee to agree on a few principles based on equity and decency.

The meeting rose at 11 a.m.